REMARKS

Claims 1 - 6, 11 - 15, 20 – 22, 24, 29 – 31, 33 and 38 - 41 were pending in the instant application when last examined. Claims 1 - 6, 11 - 15, 20 - 22, 24, 28 – 31, 33, 40 and 41 were rejected. Claims 29, 38 and 39 were objected to. Claims 29, 38 and 39 are being cancelled without prejudice herein and their limitations being incorporated into the independent claims from which these claims depended. Claims 1 - 2, 11, 20, 30 and 40 are amended. New claims 42 – 48 are added. No new matter is being added and claims 1 – 6, 11 - 15, 20 – 22, 24, 30 – 31, 33 and 40 – 48 are pending in the instant application. Reconsideration and allowance are respectfully requested.

Objections to claims 4 and 14

In item 2 on page two of the office action, Examiner indicated that objections to claims 4 and 14 have been overcome by Applicant's amendments to these claims and that the objections are hereby withdrawn.

Provisional rejection for nonstatutory double patenting

In items 3 – 5, beginning on page 2 of the office action, the Examiner maintained the rejection of the claims under the judicially created (nonstatutory) doctrine of double patenting.

As quoted by the Examiner in item 3 on page 2 of the Office Action:

> The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See in re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
>
> "A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection, based on a nonstatutory double patenting ground provided that the conflicting application or

patent is shown to be commonly owned with this application. See 37 CFR 1.130(b)."(MPEP §804 ¶8.33) (Emphasis added).

In item 3 on page 2 of the Office Action, the Examiner states:

> The subject matter claimed in the instant application is fully disclosed in the referenced copending application 09/483,386 and copending application 09/483,182 and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: creating a multi dimensional report from information in a database, receiving a definition of a customer profile, receiving from a user input indicating a report configuration selection, creating a first dimension table, and creating a fact table.
>
> This is a provisional obviousness-type double patenting rejection.
>
> The co-pending Application '386 claims 1-6, 11-15, 20-22, 29-31, 33, and 38-41 claim a computer program product for performing the steps of analyzing information in at least one source database and the co-pending Application '182 claims 1-6, 11-15, 20-22, 24, 29-31, 33, and 38-4 1 claim an apparatus for performing the steps of creating a multi dimensional report from information in a database. The claim limitations in the '386 and '182 co-pending applications are substantially the same as the instant application.

Applicant respectfully disagrees and submits that it is irrelevant whether "the claim limitations in the '386 and '182 co-pending applications are substantially the same as the instant application." The issue is instead whether the judicially created doctrine of double patenting has been satisfied in order to "prevent the unjustified or improper time-wise extension of the 'right to exclude' granted by a patent and to prevent possible harassment by multiple assignees." (MPEP §804 ¶8.33) Applicant submits that it has.

Applicant respectfully infers that the Examiner has missed the fact that the Applicant filed a terminal disclaimer (accompanying Applicant's response filed June 12, 2003) to overcome the double patenting rejection indicates that the three patent applications, 09/483,386, 09/483,385 and 09/483,182, which are commonly owned, eliminates any possibility of "possible harassment by multiple assignees". Further because these applications were filed on the same day, there is no possibility of an unjustified or improper time wise extension of the "right to

exclude" granted to a patentee. Applicant includes a copy of that previously filed Terminal Disclaimer affixed to this Response as an Appendix.

Applicant therefore respectfully submits that the double patenting rejection is improper for at least the foregoing reasons.

Applicant has amended claims in this application, the co-pending '182 application and the co-pending '386 application to render the rejection moot.

Applicant therefore respectfully submits that the double patenting rejection is moot as well as improper for at least the foregoing reasons.

Rejections under 35 U.S.C. § 103(a) over
Various combinations of Morgan, Brandt and Weissman

In items 7 - 16, on pages 4 through 16 of the Office Action, the Examiner rejected claims 1 - 6, 11 - 15, 20 - 22, 24, 28 – 31, 33, 40 and 41 under 35 U.S.C. § 103 as being unpatentable over combinations of U.S. Patent No. 5,799,286 to Morgan et al. ("Morgan"), a U.S. Patent No. 6,377,983 to Brandt ("Brandt") and a U.S. Patent No. 6, 212, 524 to Weissman et al ("Weissman").

Applicant disagrees with the Examiner and might otherwise traverse such rejection. The rejection is, however, rendered moot by the cancellation without prejudice and/or amendment herein of the claims to allow a patent to issue.

Allowable Subject Matter

In item 14, on pages 13 – 14 of the Office Action, the Examiner indicated that claims 29, 38 and 39 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. On page 14 of the Office Action, the Examiner states that, "The following is a statement of reasons for the indication of allowable subject matter: claim 29 reciting 'the virtual data model comprises a reverse star schema', claim 38 reciting 'generating a data warehouse populated with the information from the source database according to a reverse

star schema meta-model', claim 39 reciting 'the meta-model is a reverse star schema', was not shown or suggested by the prior art of record." Accordingly, applicant has amended claims 1, 11, 20 and 30 to recite limitations from the allowable claims 29, 38 and 39 in order to place these claims in condition for allowance. The remaining claims depend from one of these independent claims 1, 11, 20 and 30 and incorporate the recited limitations by their dependency. No new matter is being added. The claims are now in condition for allowance.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450

on March 11, 2004 by _____